

Message

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Table of Contents

- [ECOS Highlights Critical State Roles in Water Quality Certification](#)
- [ECOS Invites Registrants, Sponsors to STEP Meeting on Technology](#)

- [ERIS Board Discusses Science and Research with U.S. EPA](#)
 - [ECOS Members to Discuss National Permitting Policy May 28](#)
 - [U.S. EPA Seeks Input on Proposed Perchlorate Rulemaking](#)
 - [State News You Can Use](#)
 - [ECOS Fall Meeting](#)
 - [U.S. EPA News](#)
 - [Need-to-Know News in PFAS & Water](#)
 - [ITRC](#)
 - [Career Opportunities](#)
 - [Upcoming Events](#)
-

ECOS Highlights Critical State Roles in Water Quality Certification

Today, ECOS submitted [comments](#) to U.S. EPA emphasizing the importance of state roles and perspectives in water quality certification under Clean Water Act (CWA) Section 401.

Section 401 is an important CWA tool that states use to protect their waters from the impacts of a wide range of activities requiring federal authorization. In response to an April [Executive Order](#) on Promoting Energy Infrastructure and Economic Growth, EPA is seeking comments to inform the early steps of developing updated guidance and a proposed rule. In the comments sent today, ECOS requests that EPA's guidance or proposed regulations expressly preserve existing states' rights to exercise Section 401 authority and avoid unintended consequences for states. ECOS also asks that EPA's process respect the principles of cooperative federalism and reflect genuine consultation with state and local governments.

More information about the rulemaking and guidance development is available [here](#). EPA is accepting pre-proposal recommendations in an administrative docket (EPA-HQ-OW-2018-0855) [here](#), with comments due today. [Piper]

ECOS Invites Registrants, Sponsors to STEP Meeting on Technology



Registration is open for the July 10 ECOS State Environmental Protection (STEP) Meeting in Washington, DC, on innovative technology helping state environmental agencies to accomplish their missions. This year's meeting, *From the Flintstones to the Jetsons: How Technology is Transforming Environmental Protection*, will feature an array of lively panel discussions, as well as keynotes from Google and Microsoft.

The Marriott Marquis group rate is available until **June 18** or sellout of the block, and the advance registration discount ends **June 26**. To register and stay up to date on the details of the meeting, please visit the [ECOS website](#). If you have questions regarding the meeting or [sponsorship opportunities](#), please contact [Kelly Poole](#) or [Connor MacCartney](#). [MacCartney]

ERIS Board Discusses Science and Research with U.S. EPA

Environmental Research Institute of the States

On May 14-15, the Environmental Research Institute of the States (ERIS) Board met with leadership of U.S. EPA's Office of Research and Development (ORD) at the Hatfield Marine Science Center in Newport, Oregon, to discuss ongoing efforts to better connect states with ORD's work. ERIS President David Paylor (VA), and Board Members Aaron Keatley (MI) and Scott Thompson (OK), provided ORD with input on [state science and research needs](#) and on the need for easy access for state agency staff to appropriate EPA tools and research. Board Member Catherine McCabe (NJ) joined the meeting remotely for

discussions on ORD's [PFAS research](#), [wildfire work](#), and [lead exposure](#) efforts. Oregon Department of Environmental Quality (DEQ) staff also attended the meeting to learn more about ORD's work, especially the work being conducted at labs in Oregon.

Read *ECOSWIRE* in the coming weeks for information on some of the products that were shared with the ERIS Board at the meeting. [Hanson]

ECOS Members to Discuss National Permitting Policy May 28

On **May 28 at 3-4 Eastern**, ECOS members will discuss development of a new National Permitting Policy on their monthly all-members call. During the call, ECOS Past President Todd Parfitt and state agency participants will share insights into U.S. EPA's ongoing work to develop a National Permitting Policy, informed by insights gathered from states on related permitting oversight experiences and priorities. EPA is developing its new permitting policy in consultation with ECOS and other stakeholders, as announced by EPA Chief Operating Officer Henry Darwin at the ECOS 2019 Spring Meeting.

Echoing a recent note from Don Welsh to ECOS members, ECOS continues to welcome state input on the priorities ECOS should bring to the discussions with EPA on the National Permitting Policy. Please send any input on your states' permitting oversight experiences and priorities to [Beth Graves](#). [Graves]

U.S. EPA Seeks Input on Proposed Perchlorate Rulemaking

This week, U.S. EPA released a [pre-publication notice](#) of proposed rulemaking for public input on a range of options regarding the regulation of perchlorate in public drinking water systems.

EPA is seeking comment on a proposed National Primary Drinking Water Regulation for perchlorate to establish a Maximum Contaminant Level and a health-based Maximum Contaminant Level Goal at 56 micrograms per liter along with three alternative regulatory options. Additionally, EPA is interested in receiving comment on perchlorate treatment technologies and monitoring and reporting requirements.

EPA will accept public comment on the proposal for 60 days after publication in the *Federal Register*. Members will receive information from ECOS about a states-only call to learn more. For more information about the proposed rulemaking, click [here](#). [Swanson]



State News You Can Use

[Oregon Enacts Legislation to Maintain Obama-Era Air and Water Standards](#)

[Virginia DEQ Holds Trainings on EPA Hazardous Pharmaceuticals Rule](#)

[Connecticut Governor Signs Executive Order on Greening State Agencies](#)

ECOS Fall Meeting

Reminder: States Asked to Notify ECOS of Intent to Submit Innovation Video by May 31



If you enjoyed the state innovation videos featured at the last ECOS Fall Meeting, you're in luck! Based on popular demand, ECOS will again run our annual State Program Innovation Award program via video presentation and live vote at the September 24-26 Fall Meeting in Seattle. Fittingly, the theme for the meeting is *States Sparking Solutions*.

Each state may submit one video on one innovation, and we're aiming for full participation. Your submission should contain the name of your program, an overview of your innovative program or approach, and results to date. Be as creative with the video as you'd like. You're welcome to report from the field, add video feed and music or sound effects, and involve your staff.

We only ask that the ECOS member appear at least briefly on camera to describe the innovation and limit the video to between 90 seconds and two minutes. A few video tips: shoot the video in HD, or 720p minimum, with horizontal frame; use a tripod for stability, clear lighting, and high-quality audio; and avoid reading from paper with head tilted downward.

Please contact [Nia Duke](#) by **May 31** to notify ECOS of your intent to participate and planned topic. Submit your video using this [Dropbox link](#) by **July 12**, and contact Nia anytime with questions. View last year's submissions [here](#). Thanks in advance for your participation! [Parisien]

Reminder: Members, Alumni Invited to Submit Fall Meeting Workshop Topics by May 31

Do you have expertise or a special talent that would benefit your state counterparts and others in the environmental protection field? If so, we invite you lead a workshop at the ECOS Fall Meeting in Seattle.

Members will recall that at the Spring Meeting, ECOS Secretary-Treasurer Patrick McDonnell of Pennsylvania taught a session on improvisation to promote active listening, and Jim Kenney of New Mexico, a certified yoga instructor, promoted fitness and mindfulness with an early-morning stretch class. We will bring back these highlights in the fall but want to expand the list of offerings given the popularity of the format. Workshops on any useful skill, policy matter, or management approach are welcome.

To volunteer to lead a workshop, please reach out to [Lia Parisien](#) by **May 31**. [Parisien]

U.S. EPA News

U.S. EPA Reports Progress in Reducing Regulatory Burden

On May 22, U.S. EPA and other federal agencies released the Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions, which shows continued progress in reducing regulatory burden as envisioned by President Trump's Executive Order 13771. Along with 35 actions that are appearing for the first time, this update lists 57 actions that are expected to be deregulatory. The updated agenda includes anticipated timelines for key regulatory actions such as:

- Safe Drinking Water Act Regulatory Determinations for Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS)
- Clarification of State Certification Procedures Under Section 401 of the Clean Water Act
- Revised Definition of 'Waters of the United States'
- The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks

- Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards
- On-Highway Heavy-Duty Trailers: Review of Standards and Requirements
- Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration
- Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments
- Clean Air Act Benefit-Cost Reforms
- Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements. [Parisien]

U.S. EPA to Reform Costs and Benefits Considerations in Rulemakings

This week, U.S. EPA released a May 13 [memo](#) from Administrator Andrew Wheeler to EPA's Assistant Administrators directing them to begin development of rules outlining how EPA should apply cost-benefit considerations to future rules. In the memo, Wheeler also directs the Office of Policy to update EPA's existing [Guidelines for Preparing Economic Analyses](#). Many environmental statutes provide guidance for how EPA should consider costs and benefits of rules during development, but there has been inconsistency between EPA offices as each office pursues its statute-specific work. Wheeler hopes the cost-benefit rules announced in the memo will help reduce these inconsistencies. As the costs and benefits of rules are important to states, this is an effort to watch! [Hanson]

Need-to-Know News in PFAS & Water

House Subcommittee Considers PFAS Bills

Area of Focus: [Chemicals and Emerging Contaminants](#), [PFAS](#)

On May 15, a House Energy and Commerce subcommittee held a [legislative hearing](#) on a series of bills aimed to address PFAS contamination. Members discussed 13 bills, introduced by both sides of the aisle, urging action from U.S. EPA to:

- Designate PFAS as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances
- Set a PFAS maximum contaminant level in drinking water
- Establish a program to award grants to water systems to install treatment technologies
- Establish a label under EPA's Safer Choice program for PFAS-free cookware
- List PFAS as a hazardous air pollutant under the Clean Air Act.

Other bills discussed at the hearing seek to:

- Establish trust funds through fees from PFAS manufacturers to pay for water treatment
- Require reporting PFAS releases through the Toxics Release Inventory
- Amend the Solid Waste Disposal Act to prohibit aqueous film-forming foam (AFFF) incineration
- Amend the Toxic Substances Control Act (TSCA) to comprehensively regulate PFAS and require health testing
- Amend CERCLA to require federal facilities cleanups for PFAS
- Issue guidance for firefighters and other first responders to minimize the use of AFFF and other PFAS-containing materials.

These bills represent only a few of many PFAS-related bills already introduced in the U.S. Congress or in state legislatures. For links to other PFAS bills, see [here](#) or [here](#).
[Longworth]

U.S. EPA Publishes PFAS Chemical Library for States

Area of Focus: *Chemicals and Emerging Contaminants, PFAS*

U.S. EPA's PFAS Chemical Library is now available to states. The library is a collection of 430 PFAS compounds that can be used to guide state and federal partners through efforts in hazard testing, development of analytical methods, exposure monitoring, or other testing that would benefit environmental decision-making. It is part of a larger effort of EPA's Office of Research and Development and the National Toxicology Program, headquartered at the National Institute of Environmental Health Sciences, to develop a risk-based approach for testing PFAS using new approach methods.

The library can be shipped to states at no charge. To request the PFAS Library or if you

have questions, email [Monica Linnenbrink](#) of EPA. [Longworth]

U.S. EPA Seeks Water Reuse Plan Comments

Area of Focus: Water

U.S. EPA is seeking public input by July 1 on what topics the agency should address as it develops an action plan on water reuse. EPA's goal is to accelerate the application of water reuse as a safe, reliable, and sustainable way to meet the country's current and future water demands. EPA has released a *Discussion Framework for Development of a Draft Water Reuse Action Plan* that includes background, context, and details on issues the plan could address. EPA invites comments especially in the following areas:

- Specific actions that can be taken now and in the future by federal agencies, states, tribes, local governments, water utilities, industry, agriculture, and others;
- Key relevant sources of information, such as literature, about water reuse, not already identified in the Discussion Framework;
- Examples of water reuse, both past and future, which demonstrate opportunities and barriers;
- Concepts for applying water reuse strategies within integrated water resources management planning; and,
- Ways water reuse can improve water resiliency, security, and sustainability through a more diverse water portfolio.

EPA is accepting input via Docket ID No. EPA-HQ-OW-2019-0174. EPA plans to release a draft plan for public comment in conjunction with the September 2019 WaterReuse Symposium in San Diego, CA. See below in the "Upcoming Events" section for information about a series of upcoming water reuse webinars. [Piper]

ACWA and ASDWA Publish Report on Contaminants of Emerging Concern

Area of Focus: Water

This week, the Association of Clean Water Administrators (ACWA) and the Association of State Drinking Water Administrators (ASDWA) published a joint report, *Contaminants of Emerging Concern Workgroup Recommendations Report*, that makes recommendations for actions by states, the federal government, and others to improve management of

contaminants of emerging concern. The recommendations are grouped into five action areas:

1. Establish a national priority framework and research agenda for priority setting
2. Engage industry to develop and improve access to comprehensive chemical data
3. Increase coordinated monitoring across water resource management programs
4. Expedite risk assessment and response
5. Improve risk communication.

ACWA and ASDWA staff briefed the ECOS Cross-Media Committee on the workgroup's efforts on a conference call in March. The Committee may invite them back to hear about the results of the work. [Hanson]



ITRC

Interstate Technology and Regulatory Council

ITRC Seeks State At-Large Board Representative

The Interstate Technology and Regulatory Council (ITRC) is seeking applicants for the ITRC Board of Advisors State At-Large Representative position that opens for the three-year term beginning in January 2020.

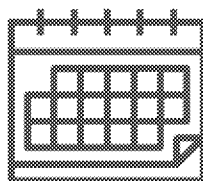
The ideal candidate for the position is a state agency employee with experience in cross-media issues. The representative will provide input on air, water, and land issues at the state level so that ITRC can continue to expand its non-remediation goals. The representative also ensures ITRC's communication and information exchange with air, water, and land state agencies/associations.

For more information, please contact [Ken Zarker](#), the current ITRC State Association Representative. Resumes and cover letters should be submitted electronically to [Patricia Reyes](#), ITRC Director, by **June 28**. Learn more [here](#). [Olonoff]

Career Opportunities

Alaska Seeks Applicants for Water Division Director

The Alaska Department of Environmental Conservation (DEC) is seeking qualified applicants for Director of DEC's Water Division. The Director oversees the Division's 100 employees as they work on water quality and facilities. The successful applicant may work in either Juneau or Anchorage. For more information on the position visit the [career page](#) on ECOS' website. [Hanson]



Upcoming Events

ECOS Shale Gas Caucus on Methane Strides



Join the ECOS Shale Gas Caucus for the next **E C O S** in its 2019 meeting and webinar series on Air & Methane, Alternative Compliance, & Produced Water. The

webinar, planned for **May 29 at 2-3 p.m. Eastern**, will center on strides made by states and industry to reduce methane from oil and gas operations. Topics will include air quality improvements registered since the launch of Colorado's oil and gas inspection program and industry's Natural Gas Sustainability Initiative and voluntary environmental, social, governance, and sustainability metrics template.

A calendar invitation has been sent to SGC members. If you would like to participate in the webinar or join the SGC, please contact [Lia Parisien](#) of ECOS. [Parisien]

ASDWA and Minnesota on PFAS

The Association of State Drinking Water Administrators and the State of Minnesota will host a webinar on **May 29 at 2-3:30 p.m. Eastern** on Minnesota's efforts to assess and address PFAS. Speakers will highlight understanding PFAS fate and transport and drinking water health risks; evaluating potential PFAS sources and managing and mitigating impacts; investigating and responding to PFAS releases from disposal sites as part of the 3M lawsuit settlement; and sharing lessons learned. For more information, [view the webinar handout](#) and [register here](#). [Longworth]

U.S. EPA on PFAS Analytic Tools

U.S. EPA will host a webinar for states on **May 30 at 2 p.m. Eastern** to share information on PFAS analytic tools it is developing and to seek state input on the resources. If you would like to participate, please contact [Carolyn Hanson](#) of ECOS. [Parisien]

U.S. EPA on CompTox Chemicals Dashboard

U.S. EPA will host a webinar on **June 3 at 2-3 p.m. Eastern** to demonstrate the CompTox Chemicals Dashboard and the RapidTox workflow. The dashboard is an online tool that integrates biological, chemical, and computational information to help scientists and decision-makers evaluate chemicals. The webinar will include a presentation followed by interactive demonstrations on how the resource can help states in several problem formulations like emergency response.

Register [here](#). [Longworth]

U.S. EPA on Superfund Risk Management Tools

U.S. EPA's Office of Site Remediation Enforcement invites ECOS members to join a listening session on **June 4 at 11 a.m.** on Recommendation 22 of the agency's Superfund Task Force Recommendations, which encourages exploration of Environmental Liability Transfer (ELT) approaches and other risk management tools during cleanups. The session will highlight EPA's use of "look first" provisions in Superfund settlements and discuss their potential benefit when part of an environmental response transfer arrangement.

Registration and information on the listening session is available [here](#). The registration form provides the option to either make live verbal remarks or to listen online. Individuals wishing to provide live verbal remarks are invited to do so, and these remarks can be sent to EPA via the listening session [email address](#). [Parisien]

ACWA, ASDWA, and EPA on Water Reuse

ECOS members are invited to join a series of webinars on water reuse, hosted by the Association of Clean Water Administrators (ACWA), the Association of State Drinking Water Administrators (ASDWA), and U.S. EPA.

The states-only webinar will take place on **June 5 at 2-3 p.m. Eastern** and will cover an overview of EPA's Water Reuse Action Plan development process, opportunities for state engagement, potential actions for inclusion in the action plan, and the public comment period. You may register for the webinar [here](#). [Piper]

U.S. EPA on Lead Service Line Identification and Replacement

U.S. EPA's Office of Ground Water and Drinking Water is hosting the second in a series of quarterly webinars highlighting challenges and successes associated with lead service line identification and replacement. The next webinar, titled "Focus on State Programs," will be held on **June 6 at 2-3:30 p.m. Eastern**. This webinar will feature:

- The New Jersey Department of Environmental Protection's Division of Water Supply and Geoscience discussing "Our Experience with Implementing and Funding the Lead Service Line Replacement Requirements"

- The Massachusetts Department of Environmental Protection's Drinking Water Program discussing "Addressing Lead Service Lines in Massachusetts: Regulations, Funding, and Actions Taken"

Register for the webinar [here](#) and find more information and previous webinar recordings [here](#). [Piper]

ECOS and U.S. EPA on New Agency Lawsuit Notification System

On May 21, U.S. EPA General Counsel Matthew Leopold [announced](#) the launch of a new system from EPA's Office of General Counsel (OGC) to enhance the transparency of the agency's defensive litigation activities. The new tool will allow any interested individual to sign up to receive notices of EPA litigation that could affect them.

OGC has been providing notices about EPA's defensive litigation to entities that could be interested in particular cases, consistent with the [October 2017 Directive Promoting Transparency and Public Participation in Consent Decrees and Settlement Agreements](#). Now a new internet-based system that will allow the public to [subscribe](#) and receive these notices automatically has been added.

In coordination with OGC, ECOS will hold an informational call for Members on **June 7 at 1 p.m. Eastern**. To register, email [Kelly Poole](#). [Poole]

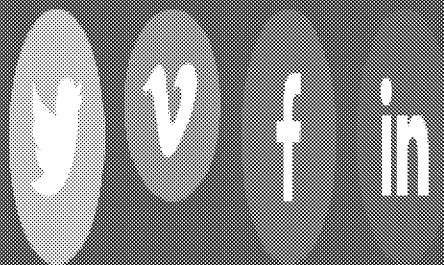
ITRC on PFAS Contamination



ITRC invites state staff and others to attend [an in-person PFAS training class](#) in Raleigh, North Carolina on **June 21**. Taught by environmental experts, the class will focus on PFAS regulations, site characterization, risk assessment, treatment technologies, and more. The class is free for state regulators and many others.

The class is free for states, and travel scholarships are available for state staff traveling more than 50 miles. Please contact Tadbir Singh for more information.

Learn more and register [here](#). [Olonoff]



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Environmental Council of the States
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Washington, DC 20005-3951

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